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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

7 UNITED STATES OF AMERICA, )

8 Plaintiff, )

9 v. )

10 JOHN G. FELIX, )

11 Defendant. )

Case No. CR04-372 RSL

**PROPOSED FINDINGS OF  
FACT AND DETERMINATION  
AS TO ALLEGED  
VIOLATIONS OF  
SUPERVISED RELEASE**

12  
13 INTRODUCTION

14 I conducted a hearing on alleged violations of supervised release in this case on August 12,  
15 2008. The defendant appeared following a summons issued in this case. The United States was  
16 represented by Jill Otake, and Defendant was represented by Robert Goldsmith. Also present  
17 was U.S. Probation Officer Jerrod Akins. The proceedings were digitally recorded.

18 CONVICTION AND SENTENCE

19 Defendant was sentenced on September 9, 2005 by the Honorable Robert S. Lasnik for  
20 possession of a stolen firearm. He received 58 months of imprisonment and three years of  
21 supervised release.

22 PRIOR VIOLATION

23 On May 13, 2008 a violation report was submitted alleging defendant had used cocaine on

PROPOSED FINDINGS OF FACT AND  
DETERMINATION AS TO VIOLATIONS OF  
SUPERVISED RELEASE -1

1 May 6, 2008. The court approved the probation office's request for no action on May 19, 2008.

2 PRESENTLY ALLEGED VIOLATIONS AND  
3 DEFENDANT'S ADMISSION OF THE VIOLATION

4 In a petition dated May 16, 2008, Supervising U.S. Probation Officer Jerrod Akins alleged  
5 that defendant violated the following conditions of supervised release:

6 1. Consuming cocaine on or before June 30, 2008, in violation of standard condition  
7 number seven.

8 2. Consuming cocaine on or before July 7, 2008, in violation of standard condition number  
9 seven.

10 Defendant admitted the above violations, waived any hearing as to whether they occurred,  
11 and was informed the matter would be set for a disposition hearing before Chief District Judge  
12 Robert S. Lasnik.

13 RECOMMENDED FINDINGS AND CONCLUSIONS

14 Based upon the foregoing, I recommend the court find that defendant has violated the  
15 conditions of his supervised release as alleged above, and conduct a disposition hearing. No  
16 request for detention was made and the defendant remains in the community subject to all  
17 previously imposed conditions of supervision pending disposition.

18 DATED this 12<sup>th</sup> day of August, 2008.

19 

20 BRIAN A. TSUCHIDA  
21 United States Magistrate Judge  
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